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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,176	02/12/2004	Michel Couture	16626-2us PTN/df	3079

7590 08/23/2006

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EXAMINER

HAGEMAN, MARK

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. The amendment filed on 3-2-2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the amended claims are drawn to a combination of which the original elected invention is a subcombination. Claims 1-15 (Invention 1), drawn to a method and apparatus for separating a particle stream classified in class 209, subclass 637, were previously elected. In the current pending amendment claims 1-22 have all been canceled. New claims 22-61 (invention 2) are drawn to a method for processing a stream of particles classified in class 209 subclass 44.2.

2. Inventions 1 and 2 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination recites mixing or treating a particle stream without requiring the limitations of the separation subcombination. The subcombination has separate utility such as a method and apparatus for separating particles as originally claimed.

3. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

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omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCH


PATRICK MACKEY
PRIMARY EXAMINER